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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LY, NGHI H

ART UNIT PAPER NUMBER

2686

DATE MAILED: 04/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/634,552

Applicant(s)

ROFOUGARAN ET AL.

Examiner

Nghi H. Ly

Art Unit

2686

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-129 and 164-174.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: PTO-892 attached.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 03/30/2004 have been fully considered but they are not persuasive.

On pages 2 and 3 of applicant's remarks, applicant argues that applicant's invention teaches a single-chip transceiver IC (or integrated circuit, see applicant's specification page 2, lines 3-10), and Meador and Price were improperly combined.

The examiner, however, disagrees. Nowhere in the applicant's claimed invention recited a transceiver is an IC (or integrated circuit), the claims merely disclose a transceiver, and nowhere in the applicant's claimed invention recited a transceiver should be located or belonged (*in the base station or in the mobile station*). Therefore, the combination of Meador and Price does indeed teach applicant's claimed inventions.

In addition, applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to do so found in the references themselves in order to *handle differently depending upon the protocol desired by the user* (see Price, column 13, lines 12-25).

On page 4 of applicant's remarks, applicant argues that the examiner alleges, without any support that using HomeRF, 802.11 and Bluetooth are known in the art, and request that the examiner produce references in support of the examiner's contention.

In response, the examiner provides references in support of the examiner's contention (see PTO-892, *Notice of References Cited*, see Zyzen US 6,377,608, column 6, lines 57-63, and see fig.12).

On page 5 of applicant's remarks, applicant argues that Meador does not teach each and every element as set forth in claims 1 and 167.

The examiner, however, disagrees. The combination of Meador and Price indeed teaches claims 1 and 167. In addition, applicant's attention is directed to the rejection of claims 1 and 167 in the previous Office action dated 01/30/04.

On page 5 of applicant's remarks, applicant argues that Meador does not mention of compensating for noise and there is no mention of compensation of interference.

The examiner, however, disagrees. Meador does indeed teach compensation of interference (see Meador, column 6, lines 35-43, see "a noise reduction 292" and "noise reduction interface 290", also see column 3, lines 62-64, "to avoid unwanted interference" and column 3, lines 7-9 see "provide gain reduction to low-noise and spurious signals").

On page 5 of applicant's remarks, applicant argues that Meador does not teach the transceiver compensate for temperature variation.

The examiner, however, disagrees. Meador does indeed teach the transceiver compensate for temperature variation (see Meador, column 3, lines 7-9, and column 4, line 38 to column 5, line 4 and see column 7, lines 50-54, see "temperature compensation").

For the above reasons, the examiner believes that the rejections to claims are proper.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

hds

04/22/04

Marsha D Banks-Harold
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